

UNITED STATES OF AMERICA ex rel.)
RHONDA SALMERON, Relator,)
)
 Plaintiff,)
)
 v.) No. 05 C 4453
)
ENTERPRISE RECOVERY SYSTEMS, INC.,)
)
 Defendant.)

Counsel for relator Rhonda Salmeron ("Salmeron") has consistently been late in attending to his responsibilities in this action. This Court has been more than patient with those repeated delinquencies, regularly being forced to have its minute clerk follow up to inquire as to why a promised deadline date has not been met. Most recently Salmeron's counsel promised that an already-substantially-overdue response to the motions to dismiss filed by several of the defendants would be delivered to this Court's chambers by last Friday (May 9), but as usual there has been no delivery and no explanation forthcoming.

¹ In mathematics we speak of a convergent series. What Salmeron's counsel has generated instead is a divergent series, so that the ongoing expansion of the litigation has brought it farther from--rather than closer to--the point of potential resolution.

the newly targeted defendant has in turn filed its own motion to dismiss.

This Court rarely dismisses any action for want of prosecution--and in the rare instances in which it has done so in the past, it has always fired a shot across plaintiff's bow before doing so. Here plaintiff's counsel does not appear entitled to such solicitude. This action is dismissed for want of prosecution, although upon a properly persuasive and well supported submission this Court might perhaps be prepared to entertain a promptly filed motion under Fed. R. Civ. P. 59(e).

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial "M".

Milton I. Shadur
Senior United States District Judge

Date: May 14, 2008